

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

BRENDA COMEAU AND]	
KENDRA LARKIN ,]	CIVIL ACTION NO. 05-11088-JLT
Plaintiffs]	
]	
vs.]	
]	
O'CHARLEY'S, INC., AND]	
99 RESTAURANTS, LLC,]	
Defendants]	

**JOINT MOTION TO EXTEND TIME TO
COMPLY WITH SETTLEMENT ORDER OF DISMISSAL**

Now come the plaintiffs and the defendants, jointly, by their attorneys, and request this court to extend the time period under which the order of dismissal shall become final to May 30, 2007.

As grounds therefore, the parties submit:

1. The terms of the settlement agreement have not yet been carried out.
2. All parties have acted in good faith to expedite the finalization of the settlement.
3. Although the parties had orally agreed on the basic outlines of the settlement on or about April 10, 2007, the final form of the written settlement agreement and release had to be worked out and the signatures of all parties had to be obtained. The parties do have a final written settlement agreement.
4. There was a waiting period that needed to pass as required by statute regarding potential age discrimination claims and other good cause why the settlement has not yet been completely finalized.
5. All parties are confident that the settlement will be completed by May 30, 2007.

Wherefore, the parties request that this motion be allowed.

O'CHARLEY'S
99 RESTAURANTS, LLC

BRENDA COMEAU,
KENDRA LARKIN,

By their attorneys,

By their attorney,

/s/ Tina R. Matsuoka

/s/ J. Whitfield Larrabee

Tina R. Matsuoka
Murtha Cullina, LLP
99 High Street
Boston, MA 02110
(617) 457-4000
BBO #651901
tmatsuoka@murthalaw.com

J. Whitfield Larrabee
251 Harvard Street, Suite 9
Brookline, MA 02446
(617) 566-3670
BBO # 553499
jw.larrabee@verizon.net

Hugh F. Murray III
BBO #557175
hmurray@murthalaw.com

CERTIFICATE OF SERVICE

I, Tina R. Matsuoka, hereby certify that I have this 9th day of May 2007, I electronically filed Joint Motion to Extend Time to Comply with Settlement Order of Dismissal with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

J. Whitfield Larrabee, Esq.
251 Harvard Street, Suite 9
Brookline, MA 02466
jw.larrabee@verizon.net

/s/ Tina R. Matsuoka

Tina R. Matsuoka, BBO #651901